

Practitioner's Docket No.U 016492-7

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Madan Lal **SINGLA**, et al

Serial No.: 10/735,555

Group No.: 2877

Filed: December 12, 2003

Examiner.: Amanda H. Merlino

Confirmation No.: 3914

For: **PORTABLE DEVICE FOR TOTAL GOSSYPOL MEASUREMENT**

**Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450**

**Optional Customer No. Bar Code**



**00140**

PATENT TRADEMARK OFFICE

**Date of this paper: December 18, 2009**

**SECOND SUBMISSION OF PETITION FOR REVIVAL OF AN APPLICATION**

**FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b) AND**

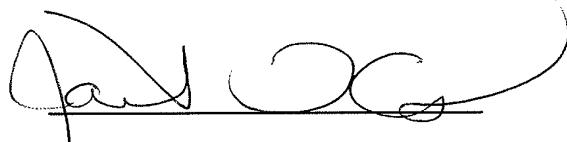
**RESPONSE**

Applicant again submits its Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b) and Response to the Office Action of May 16, 2006 which were previously filed on March 7, 2007 (see copy of acknowledgment postcard stamped by the Patent Office).

Applicant also submits copies of its two Status Inquiries filed on January 6 and August 18, 2009 which are also indexed in the File Wrapper of Private Pair for this application.

The Patent Office is authorized to charge any fees due (using the 2007 Fee Schedule) for any fees due by this second submission to Deposit Account 12-0425.

Respectfully submitted,



JANET I. CORD  
LADAS & PARRY LLP  
26 WEST 61<sup>ST</sup> STREET  
NEW YORK, NEW YORK 10023  
REG.NO.33778(212)708-1935

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: MADAN LAL SINGLA, ET AL

Serial No.: 10/735,555 Group No.: 2877

Filed: DECEMBER 12, 2003 Examiner: MERLINO, AMANDA H.

For: PORTABLE DEVICE FOR TOTAL GOSSYPOL MEASUREMENT

Attorney Docket No.: U 016492-7

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137 (b)

This application became abandoned by the failure to timely file a response to the Office Action mailed on May 16, 2006.

This application became abandoned because the failure to prosecute was an unintentional delay. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

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CERTIFICATION UNDER 37 C.F.R. 1.8(a) and 1.10\*

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37 C.F.R. 1.8(a)

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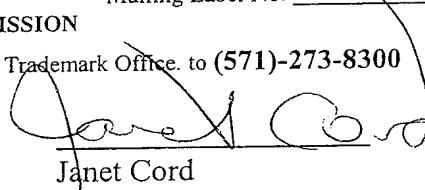
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transmitted by facsimile to the Patent and Trademark Office, to (571)-273-8300

Date: March 7, 2007

  
Janet Cord

The required response is attached.

The fee of \$1500 or any fee required due to the filing of this paper or the attached response may be charged to Deposit Account 12-0425.

Respectfully submitted,



JANET I. CORD  
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REG. NO.33778 (212)708-1935

U01649-7

March 7, 2007

IN RE: Madan Lal Singla

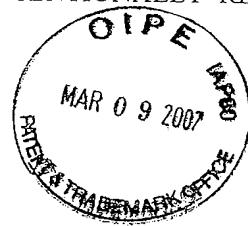
SERIAL NO.: 10/735,555 GROUP NO.: 2877

FILED: December 12, 2003 EXAMINER: Merlino, Amanda

FOR: PORTABLE DEVICE FOR TOTAL GOSSYPOL  
MEASUREMENT

RESPONSE TO OFFICE ACTION, PETITION FOR REVIVAL OF AN  
APPLICATION ABANDONED UNINTENTIONALLY RETURN  
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**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: MADAN LAL SINGLA, ET AL

Serial No.: 10/735,555 Group No.: 2877

Filed: DECEMBER 12, 2003 Examiner: MERLINO, AMANDA H.

For: PORTABLE DEVICE FOR TOTAL GOSSYPOL MEASUREMENT

Attorney Docket No.: U 016492-7

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO THE OFFICE ACTION OF MAY 16, 2006**

Reconsideration and further examination is respectfully requested in view of the following and amendments and remarks.

Amendments to the Claims begin on page 2.

Amendments to the Abstract begin on page 5.

Amendments to the Drawings begin on page 6.

The Remarks begin on page 7.

**CERTIFICATION UNDER 37 C.F.R. 1.8(a) and 1.10\***

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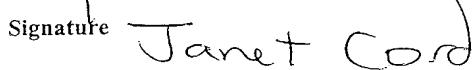
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Date: March 7, 2007

Signature

 Janet Cond

IN THE CLAIMS

1. (Currently Amended). A direct display portable device comprising apparatus for measuring for measurement of gossypol concentration after color colour development, said apparatus comprising: a) a light source which is a light emitting diode for emitting light of specific a wavelength of 635 nm, b) a means to control intensity of light from the light source, c) a glass cuvette for holding a the test sample through which the light is passed, d) a cuvette sample holder for holding the glass cuvette, e) a photo detector for detecting the light transmitted by test sample, f) a means to convert the output current signal from the photo detector to voltage, g) a log amplifier for amplifying an the output signal of the a converter, h) a calibration circuit enabling display on a display unit, and i) a power supply for supplying power to different components of the device.
  
2. (Previously Presented) The device as claimed in claim 1, wherein gossypol is selected from the group consisting of deoiled cake, cottonseed and cottonseed oil.
  
3. (Currently Amended) The device as claimed in claim 1, wherein the determination of the concentration of the gossypol concentration is in milligram/litre and parts per million (ppm) in the display unit of atleast at least 3½ digit display.
  
4. (Currently Amended) The device as claimed in claim 1, wherein the light source is an LED a light emitting diode of 5 mm having intensity of 125 mcd, view angle of 24°, peak wavelength of 635 nm and power dissipation of 50 mW.
  
5. (Currently Amended) The device as claimed in claim 1, wherein the means used to control the intensity of light from LED the light emitting diode is a multturn potentiometer to get 100% transmittance (0% absorbance) of light through distilled water in the cuvette.
  
6. (Previously Presented) The device as claimed in claim 1, wherein the cuvette used is made up from Borosil glass.

7. (Previously Presented) The device as claimed in claim 1, wherein the path length of the glass cuvettee is of 17 mm.

8. (Previously Presented) The device as claimed in claim 1, wherein the cuvettee used is screw capped having a diameter of 17 mm, height of 5 cm and capacity of 6 ml.

9. (Previously Presented) The device as claimed in claim 1, wherein the cuvettee holder is made up from aluminum alloy, which is blackened.

10. (Currently Amended) The device as claimed in claim 1, wherein the photo detector BPW 21 having package of TO 5, effective area of detection of 5.9 mm diameter wavelength range of 460-750 nm and sensitivity of 7 nA/lux is used to detect the transmitted/absorbed light through the test solution sample.

11. (Currently Amended) The device as claimed in claim 1, comprising means to convert wherein the current signal to voltage converter produces voltage which is directly proportional to current flowing through the converter, which inturn in turn is proportional to the light intensity falling on the detector.

12. (Previously Presented) The device as claimed in claim 1, wherein the means to convert the current signal to voltage signal is a current/voltage converter.

13. (Previously Presented) The device as claimed in claim 1, wherein the log amplifier is TL 441 1C.

14. (Currently amended) The device as claimed in claim 1, wherein the calibration circuit is a 10 K PTO and after log amplification, voltage output is calibrated in terms of gossypol concentration in the test solution sample.

15. (Previously Presented) The device as claimed in claim 1, wherein the power supply is 6-Volt battery for the log, amplifier, photo detector and other integrated chips and a 9-Volt

supply for the display unit.

16. (Previously Presented) The device as claimed in claim 1, wherein the results are displayed on the display units.

17-19. (Cancel)

20. (Currently amended) The device as claimed in claim 1 which is low cost, portable, rugged and measures the concentration of gossypol in the range of  $\pm 2\%$  error.

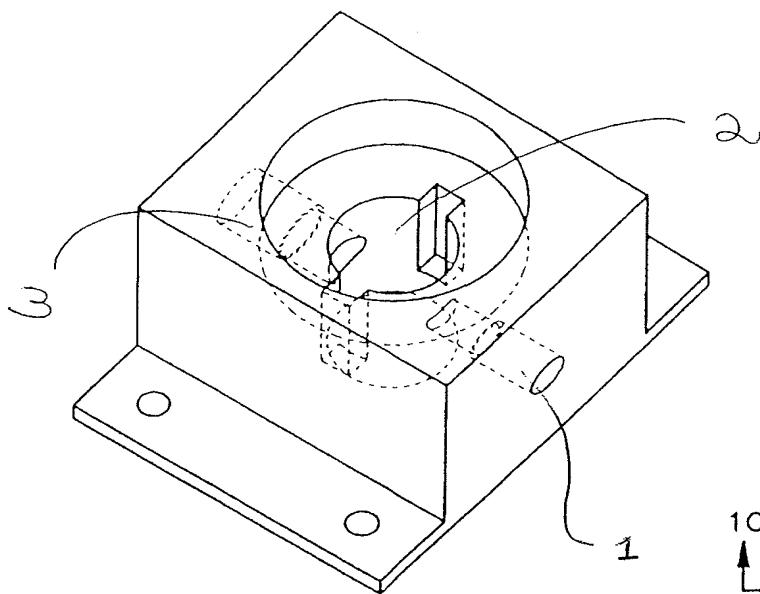
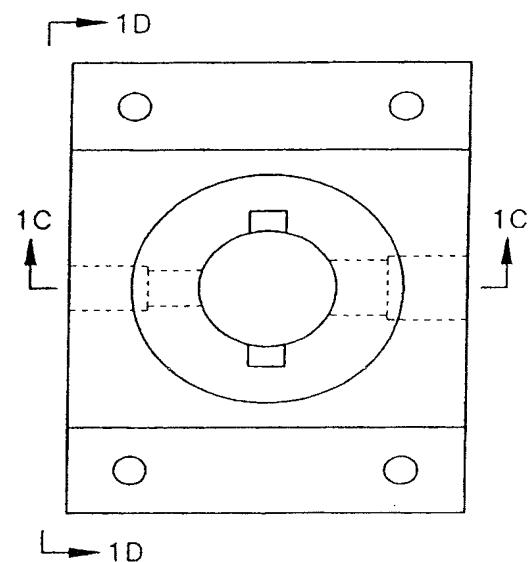
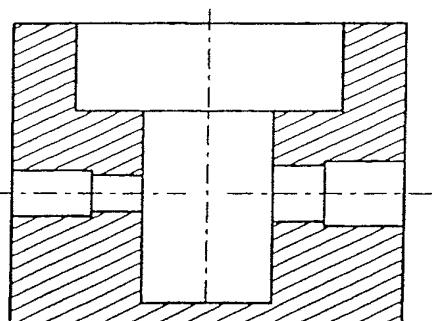
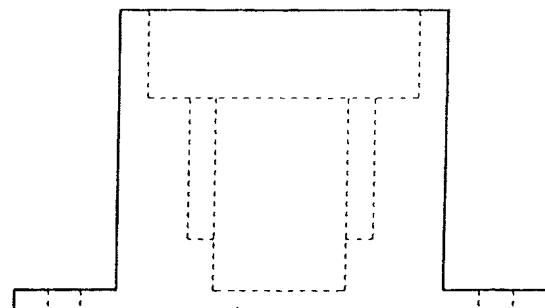
IN THE ABSTRACT

Please replace the Abstract with the following .

A direct display portable device for measurement of gossypol concentration after color developments is disclosed. This includes: a) a light source, b) means for holding a test sample, c) a photo detector, d) means to convert an output current signal from the photo detector to voltage, e) a log amplifier, f) a calibration circuit; and g) a power supply.

IN THE DRAWINGS

Please replace sheet 1/3 of the drawings with the attached replacement sheet.

**Figure 1A****Figure 1B****Figure 1C****Figure 1D**

## REMARKS

Claims 1-16 and 20 are in this application. Claims 1, 3, 4, 5, 10, 11, 14, and 20 have been amended. Claims 17-19 have been cancelled. Claim 1 has been amended to include that the light source which is a light emitting diode emits light of a wavelength of 635 nm. This is supported at, among other places, page 3, lines 25-27; and page 4, lines 20-21 and 34.

The abstract of the disclosure previously on file in this application has been replaced by a new abstract.

A new drawing sheet 1/3 accompanies this response.

The published application includes the subject headings.

Based on the Examiner's comments on page 7 of the Office Action, Claims 3, 5, 10, 11 and 14 have been amended. It is respectfully requested that the Examiner's objections to these claims be withdrawn.

According to the Office Action, claims 1-2, 11-12, 16 and 20 are rejected as being anticipated by Thistlethwaite (US patent 5,402,240). This is respectfully traversed.

Anticipation requires that each and every element of the claimed invention be disclosed in a single prior art reference. *In re Paulsen*, 30 F.3d 1475, 31 USPQ 1671 (Fed. Cir. 1994). For anticipation, there must be no difference between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the field of the invention. *Scripps Clinic & Res. Found. v. Genentech, Inc.*, 927 F.2d 1565, 18 USPQ2d 1001 (Fed. Cir. 1991).

Applicants have designed a system specifically for measuring the concentration of gossypol. This system includes using a light emitting diode as the light source wherein a wavelength emitted is 635 nm. According to column 7, lines 41-45 of Thistlethwaite et al., an object of the invention is to provide an instrument wherein the light source includes a low

power, lens-end light emitting diode producing a beam of narrow-band red light with a dominant wave length of 660 nm. Furthermore, according to column 10, lines 31-34, the new densimeter uses a lens-end LED which emits a broadly focused beam of red light (having inherently narrow width and a dominant wavelength of 660nM).

Furthermore, the claimed device includes a log amplifier for amplifying an output signal of a converter and at column 11, lines 22-26, Thislethwaite, specifically teaches away from using a log amplifier.

Since the use of a wavelength of 635 nm is not disclosed in the cited reference and the reference teaches away from the use of a log amplifier all features of the claims are not disclosed in the reference and thus, claims 1, 2, 11, 12, 16 and 20 are not anticipated. It is respectfully requested that this rejection be withdrawn.

According to the Office Action, claims 3-10, 13-15 and 17-19 are obvious in view of Thistlethwaite. This rejection is respectfully traversed.

As stated in MPEP 2141, citing *Hodosh v. Block Drug Co., Inc.*, 786 F.2d 1136, 1143 n.5, 229 USPQ 182, 187 n. 5 (Fed. Cir. 1986), when applying 35 USC 103, the following tenets of patent law must be adhered to:

- 1) the claimed invention must be considered as a whole;
- 2) the references must be considered as a whole and must suggest the desirability and thus the obviousness of making the combination; and
- 3) the references must be viewed without the benefit of impermissible hindsight vision afforded by the claimed invention.

Reasonable expectation of success is the standard with which obviousness is determined. *In re Merck & Co., Inc.*, 800 F.2d 109, 231 USPQ 375 (Fed. Cir. 1986).

As explained above, the wavelength described by Thistletonwaite differs from the wavelength of 635 nm emitted by the light emitting diode of the claimed invention. The color developed is greenish due to the formation of a complex compound of gossypol that has an absorption maxima at 635 nm and the reference teaches away from the use of a log amplifier.

Therefore, considering the claimed invention as a whole; Thistletonwaite as a whole and the fact that it does not suggest the desirability of making the combination claimed in this application and in fact, teaches away from it, the claimed invention is not obvious.

Accordingly, it is respectfully requested that the rejection be withdrawn.

It is submitted that the application is in condition for allowance and favorable consideration is respectfully requested.

Respectfully submitted,



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REG. NO. 33778 (212)708-1935

PATENT  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: MADAN LAL SINGLA

Serial No.: 10/735,555

Group No.: 2877

Filed: DECEMBER 12, 2003

Examiner: MERLINO, AMANA

For: PORTABLE DEVICE FOR TOTAL GOSSYPOL MEASUREMENT

Attorney Docket No.: U 016497

Commissioner for Patents  
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STATUS INQUIRY

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Under 37 CFR 1.137(b) and Response to the Official Action of May 16, 2006 was

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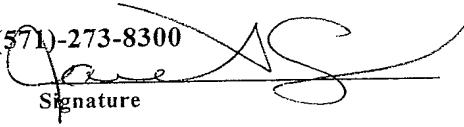
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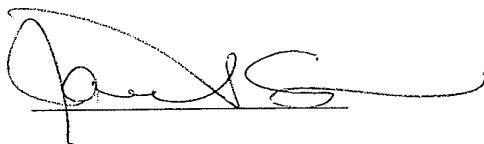
Janet I. Cord

*(type or print name of person certifying)*

submitted to the USPTO on March 7, 2007. To date, we have received no communication from the Patent Office regarding this Petition. A copy of the Petition and Response are attached as well as a copy of the stamped postcard.

It is respectfully requested that the undersigned be informed of the status of the petition and that the petition be acted on. If any fees are required, they may be charged to deposit account 12-0425.

Respectfully submitted,



JANET I. CORD  
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NEW YORK, NEW YORK 10023  
REG. NO.33778 (212)708-1935

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In re application of: MADAN LAL SINGLA  
Serial No.: 10/735,555 Group No.: 2877  
Filed: DECEMBER 12, 2003 Examiner: MERLINO, AMANA  
For: PORTABLE DEVICE FOR TOTAL GOSSYPOL MEASUREMENT  
Attorney Docket No.: U 016492-7

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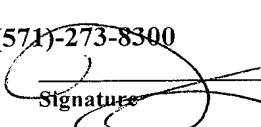
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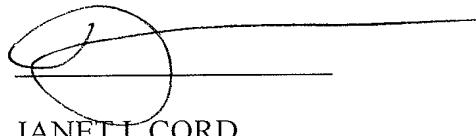
  
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REG. NO.33778 (212)708-1935

10/735,555 Portable device for total gossypol measurement

12-18-  
2009::06:05:01

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**Bibliographic Data**

Mail Room Date	Document Code	Document Description	Document Category	Page Count
08-20-2009	PET.OP	<b>Petition for review by the Office of Petitions.</b>	PROSECUTION	3
08-20-2009	STATUS.LET	Request for status of Application	PROSECUTION	4
01-12-2009	PET.OP	Petition for review by the Office of Petitions.	PROSECUTION	3
01-12-2009	A.NE	Amendment After Final	PROSECUTION	1
01-12-2009	CLM	Claims	PROSECUTION	3
01-12-2009	ABST	Abstract	PROSECUTION	1
01-12-2009	REM	Applicant Arguments/Remarks Made in an Amendment	PROSECUTION	4
01-12-2009	DRW	Drawings-only black and white line drawings	PROSECUTION	1
01-12-2009	STATUS.LET	Request for status of Application	PROSECUTION	2
01-16-2007	LET.	Miscellaneous Incoming Letter	PROSECUTION	2
01-16-2007	PA..	Power of Attorney	PROSECUTION	8
12-14-2006	ABN	Abandonment	PROSECUTION	2
05-16-2006	CTNF	Non-Final Rejection	PROSECUTION	16
05-16-2006	1449	List of References cited by applicant and considered by examiner	PROSECUTION	2
05-16-2006	892	List of references cited by examiner	PROSECUTION	1
05-16-2006	SRFW	Search information including classification, databases and other search related notes	PROSECUTION	1
05-16-2006	FWCLM	Index of Claims	PROSECUTION	1
05-05-2006	SRNT	Examiner's search strategy and results	PROSECUTION	5
10-01-2004	IDS	Information Disclosure Statement (IDS) Filed (SB/08)	PROSECUTION	4
10-01-2004	NPL	NPL Documents	PRIOR ART	10
10-01-2004	NPL	NPL Documents	PRIOR ART	4
10-01-2004	NPL	NPL Documents	PRIOR ART	4
10-01-2004	NPL	NPL Documents	PRIOR ART	6
10-01-2004	NPL	NPL Documents	PRIOR ART	12
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07-06-2004	A.PE	Preliminary Amendment	PROSECUTION	1
07-06-2004	SPEC	Specification	PROSECUTION	1
07-06-2004	REM	Applicant Arguments/Remarks Made in an Amendment	PROSECUTION	1
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07-02-2004	OATH	Oath or Declaration filed	PROSECUTION	2
07-02-2004	SPEC	Specification	PROSECUTION	7
07-02-2004	CLM	Claims	PROSECUTION	2
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07-02-2004	136A	Authorization for Extension of Time all replies	PROSECUTION	1
07-02-2004	ADS	Application Data Sheet	PROSECUTION	1
03-30-2004	PEFN	Pre-Exam Formalities Notice	PROSECUTION	2
12-12-2003	TRNA	Transmittal of New Application	PROSECUTION	1
12-12-2003	SPEC	Specification	PROSECUTION	8

12-12-2003	CLM	Claims	PROSECUTION	2
12-12-2003	ABST	Abstract	PROSECUTION	1
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12-12-2003	OATH	Oath or Declaration filed	PROSECUTION	2
12-12-2003	WFEE	Fee Worksheet (PTO-875)	PROSECUTION	1
12-12-2003	WFEE	Fee Worksheet (PTO-875)	PROSECUTION	1
12-12-2003	WFEE	Fee Worksheet (PTO-875)	PROSECUTION	1
12-12-2003	WCLM	Claims Worksheet (PTO-2022)	PROSECUTION	1

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